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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/998,613

11/30/2001

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21-019 ITW 20557

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07/31/2008

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EXAMINER

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ART UNIT

PAPER NUMBER

2162

MAIL DATE

DELIVERY MODE

07/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This is in response to amendment after Examiner Answer filed on March 7, 2008.
2. Claims still have non-statutory subject matter problems and an explanation was given for the amended portions of the claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 31 and 34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The computer readable medium as recited in the claims 31 and 34 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 18, lines 1 – 25, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., removable storage and hard disk drive) and intangible embodiments (e.g., a carrier-wave signal). These particular sections in the disclosure refer to "communication media" and/or "transmission media".

Claims 31 and 34 are not patent eligible because claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

The claim is therefore drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim(s) is/are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefor not a composition of matter.

As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15, 17 – 34 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,119,149 issued to Ranjit Notani (hereinafter “Notani”).

With respect to claim 15, Notani teaches a virtual private supply chain computer system as between two or more supply chain members (Notani: Abstract; col. 2, lines. 1-7), comprising:

a data acceptor operable to receive one or more supply chain data items from one or more supply chain members (Notani: col. 14, lines. 40-41 - note that the accessor of Notani is analogous to the acceptor of applicant);

a supply chain data store operable to store one or more supply chain data items received from one or more supply chain members storing the supply chain data items to conformed supply chain data with one or more common schema (Notani: col. 4, lines 27 – 40 and col. 5, lines. 32-47 – note that a persistent hierarchy of slots reads on a data store);

a data accessor operable to implement row level supply chain security to selectively present one or more supply chain data items stored in the supply chain data store (database) to one or more viewing supply chain members (Notani: col. 4, lines. 17 – 40; Fig. 8, items 60 and 58 - note the web server implies viewing of data over an Internet browser) selectively permitting access to the conformed supply chain data based on the row-level security applied to the conformed supply chain data (there are various levels of granularity at which access and transformation can take place including the relational (table), generic object (tree, graph, matrix etc.) and specific object (Bill of Material, Plan etc.) levels. Sometimes access may only be available at one level (say tables), but transformation may be more appropriate at another level (say generic object). For example, hierarchical aggregation (a form of transformation) is often appropriate on a tree object. However, the data may only be accessible in a tabular form. In this case, for example, the data should be accessed at the tabular level, transformed into a tree, and then have the hierarchical aggregation applied to it.

FIG. 17 is a diagram of one embodiment of different access and transformation levels.

As shown, access and transformation can have three levels. A first level 140 can involve table access and transforms. A second level 142 can involve generic object (tree, graph, etc.) access and transforms, and a third level can involve specific object (build-of-materials, plan, etc.) access and transforms; col. 15, lines 31 – 49. These levels are stored in the database and according to action from the application, security level determined. Even though this does not say explicitly “schema”, but it inherent in the database that value of the data stored as a row and column (schema)); and

a component that establishing one or more relationships within the supply chain data store between a first supply chain data item originating from a first supply chain data member and one ore more second supply chain data items originating from one or more second supply chain members (Notani: col. 15, lines. 55-58; col. 15, in. 66 to col. 16, line. 10; col. 14, lines. 43-46; col. 14, lines. 56-62 – note that a hub and spoke architecture facilitates establishing relationships of data items).

As to claim 17, an ownership identifier is established within the supply chain data store for one or more supply chain data items (col. 9, lines. 53-54; col. 10, line. 53 to col. 11, line. 11 – note that verify that a partner is who it claims to be, plus ability to collect data grouped by partnership, reads on facilitating establishing an ownership identifier).

As to claim 18, the supply chain data store is further adapted to facilitate establishing one or more access rights to supply chain data items (col. 10, lines. 56-65

– note that setting “read, write, take, and subscribe permissibility’s” reads on establishing access rights).

As to claim 19, the data acceptor is further adapted to transform the received supply chain data formatted according to a proprietary vendor schema converted to a virtual private supply chain schema to conform with one or more supply chain schema to facilitate collaborative, real-time exchange of power supply chain data between multiple enterprises (col. 14, lines. 41-42; col. 14, line. 63 to col. 15, line. 2; col. 15, lines. 31-49 - note the transformer conforming to the CDM schema) .

As to claim 20, the data acceptor is further adapted to validate the transformed supply chain data (col. 12, lines. 5-17 - note that strong typing inherently reads on data validation since strong typing implies checking for a type mismatch error on incoming data, which in turn reads on data validation).

As to claim 21, the data acceptor is further adapted to load the validated supply chain data into the supply chain data store (col. 5, lines. 32-47; col. 14, lines. 40-48 – note that a persistent hierarchy of slots reads on data storage and note the accessor, transformer, and transfer objects).

As to claim 22, the data accessor implements the row-level supply chain security to prevent the first supply chain member from viewing a row of data originating from one or more second supply chain members (col. 10, line. 53 to col. 11, line. 11; col. 9, lines. 44-58 - Note that the ability to separate data rows specific to a collaboration, and further to set security attributes on a per element basis reads on row-level security).

As to claim 23, the row-level supply chain security employs at least one of menu level security limiting what menus the one of the supply chain members can view, secure socket layers (SSL), digital certificates and encryption (col. 3, lines. 30-52 and These levels are stored in the database and according to action from the application, security level determined).

As to claim 24, the one or more supply chain members are configured in a hub and spoke configuration, with the supply chain members located at spokes and at least one of the data acceptor, the data accessor and the supply chain data store located at the hub (col. 3, line. 59 to col. 4, line. 5; Fig. 2).

As to claim 25, at least one supply chain member implements a connection stream (col. 7, lines. 10-19).

As to claim 26, the connection stream is adapted to facilitate making communications between the hub and the spoke implementing the connection appear as a stream (col. 7, lines. 10-19).

As to claim 27, the connection stream is further adapted to facilitate sending, receiving and/or validating BIOs (col. 7, lines. 10-19; col. 11, line. 61 to col. 12, line. 4 – note XML and Java (TM) Serial Streams support transfer of interface formats which reads on the “business interface objects” of applicant and further that “parameterized workflow” read on “business interface objects” of applicant).

As to claim 28, the connection stream is further adapted to facilitate selecting an encryption level to be applied to data communicated between the hub and the spoke implementing the connection stream (col. 10, Table 2).

As to claim 29, one or more supply chain data items may be persisted at one or more spokes (col. 3, line. 46 to col. 4, line. 5 – note that any enterprise, both hub and spoke, that participates in a global collaborations contains its own data).

As to claim 30, the persisted items are stored as BLOBS (Binary Large Objects) (col. 5, lines. 48-56 – note that an “arbitrary byte array” reads on a BLOB).

With respect to claim 31, Notani teaches a computer readable medium storing computer executable components of a virtual private supply chain comprising:

a data accepting component operable to receive one or more supply chain data items from one or more supply chain members (col. 14, lines. 40-41 - note that the accessor of Notani is analogous to the acceptor of applicant);

a supply chain data storing component operable to facilitate storing one or more supply chain data items received from one or more supply chain members and storing the supply chain data items to conformed supply chain data with one or more common schema (col. 5, lines. 32-38; col. 14, lines. 40-48 – note that a persistent hierarchy of slots reads on a data storage and note the accessor, transformer, and transfer objects); and

a data accessing component operable to implement row-level supply chain security to selectively present one or more supply chain data items stored by the supply chain data storing component to one or more viewing supply chain members (col. 4, lines. 17-26; Fig. 8, items 60 and 58 - note the web server implies viewing of data over an Internet browser) selectively permitting access to the conformed supply chain data

based on the row-level security applied to the conformed supply chain data (there are various levels of granularity at which access and transformation can take place including the relational (table), generic object (tree, graph, matrix etc.) and specific object (Bill of Material, Plan etc.) levels. Sometimes access may only be available at one level (say tables), but transformation may be more appropriate at another level (say generic object). For example, hierarchical aggregation (a form of transformation) is often appropriate on a tree object. However, the data may only be accessible in a tabular form. In this case, for example, the data should be accessed at the tabular level, transformed into a tree, and then have the hierarchical aggregation applied to it.

FIG. 17 is a diagram of one embodiment of different access and transformation levels.

As shown, access and transformation can have three levels. A first level 140 can involve table access and transforms. A second level 142 can involve generic object (tree, graph, etc.) access and transforms, and a third level can involve specific object (build-of-materials, plan, etc.) access and transforms; col. 15, lines 31 – 49. These levels are stored in the database and according to action from the application, security level determined. Even though this does not say explicitly “schema”, but it inherent in the database that value of the data stored as a row and column (schema));

a supply chain data storing component operable to establish one or more relationships within the supply chain data store between a first supply chain data item originating from a first supply chain data member and one or more second supply chain data items originating from one or more second supply chain members (Notani: col. 15, lines. 55-58; col. 15, in. 66 to col. 16, line. 10; col. 14, lines. 43-46; col. 14, lines.

56-62 – note that a hub and spoke architecture facilitates establishing relationships of data items).

With respect to claim 32, Notani discloses: a method for providing a virtual private supply chain between two or more supply chain members, the method comprising:

centralizing supply chain data from a plurality of supply chain members (col. 5, lines. 32-47 - note that the global collaboration workspace reads on centralized data with respect to the collaboration data);

conforming the supply chain data to one or more common schema (col. 14, lines. 41-42; col. 14, line. 63 to col. 15, line. 2; col. 15, lines. 31-43 - note the transformer conforming to the CDM schema); and

selectively permitting access to conformed supply chain data based on row-level security applied to the conformed supply chain data (col. 10, line. 53 to col. 11, line. 11; col. 9, lines. 44-58 - Note that the ability to separate data rows specific to a collaboration, and further to set security attributes on a per element basis reads on row-level security).

With respect to claim 33, Notani discloses: a method for providing a virtual private supply chain between two or more supply chain members, the method comprising:

accepting one or more supply chain data items from one or more supply chain members (col. 14, lines. 40-41 - note that the accessor of Notani is analogous to the acceptor of applicant);

establishing one or more ownership identifiers for the supply chain data items (col. 9, lines. 53-54; col. 10, line. 53 to col. 11, line. 11 – note that verify that a partner is who it claims to be, plus ability to collect data grouped by partnership, reads on facilitating establishing an ownership identifier);

transforming the supply chain data items to conform with one or more supply chain schema (col. 14, lines. 41-42; col. 14, line. 63 to col. 15, line. 2; col. 15, lines. 31-43 - note the transformer conforming to the CDM schema);

validating the transformed supply chain data items (col. 12, lines. 5-17 - note that strong typing inherently reads on data validation since strong typing implies checking for a type mismatch error on incoming data, which in turn reads on data validation);

storing the validated supply chain data items in a supply chain data store (col. 5, lines. 32-47; col. 14, lines. 40-48 – note that a persistent hierarchy of slots reads on a data storage and note the accessor, transformer, and transfer objects);

establishing one or more relationships between supply chain data items received from two or more supply chain members (col. 4, lines. 27-40); and

selectively permitting access to one or more supply chain data items based on at least one of the ownership of the supply chain data item, the one or more relationships associated with the supply chain data items, and the one or more access permissions

associated with the supply chain data items (col. 10, lines. 56-65 – note that setting “read, write, take, and subscribe permissibility” reads on establishing access rights).

As to claim 34, a computer readable medium storing computer executable instructions operable to perform the method of Claim 33 (col. 17, lines. 9 – 10).

With respect to claim 37, Notani discloses a method for providing a virtual private supply chain between two or more supply chain members, the method comprising:

means for collecting supply chain data from a plurality of supply chain members (col. 14, lines. 40-41 - note that the accessor of Notani '149 is analogous to the acceptor of applicant);

means for standardizing the collected supply chain data to one or more supply chain schema (col. 14, lines. 41-42; col. 14, line. 63 to col. 15, line. 2; col. 15, lines. 31-43 - note the transformer conforming to the CDM schema which is a standardizing schema); and

means for securely accessing the collected supply chain data (col. 3, lines. 30-52 – note SSL reads on secure access).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (571) 272-4030. The examiner can normally be reached on Monday-Thursday 8:00 A.M.- 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shahid Al Alam/
Primary Examiner, Art Unit 2162

July 18, 2008